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United States  
Circuit Court of Appeals

For the Ninth Circuit.

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JEU JO WAN,

Appellant,

vs.

JOHN D. NAGLE, Commissioner of Immigration  
for the Port of San Francisco,

Appellee.

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Transcript of Record.

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Upon Appeal from the Southern Division of the  
United States District Court for the  
Northern District of California,  
Second Division.

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FILED

NOV 13 1925

F. D. MONCKTON,  
CLERK.



United States  
Circuit Court of Appeals

For the Ninth Circuit.

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JEU JO WAN,

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# INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF ATTORNEYS  
OF RECORD.

For Petitioner and Appellant:

GEO. A. MCGOWAN, Esq., 550 Montgomery  
St., San Francisco, California.

For Respondent and Appellee:

UNITED STATES ATTORNEY, San Fran-  
cisco, Cal.

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In the Southern Division of the United States Dis-  
trict Court in and for the Northern District of  
California, Second Division.

No. 18,509.

In the Matter of JEU JO WAN on Habeas Corpus.

PRAECIPE FOR TRANSCRIPT ON APPEAL.

To the Clerk of said Court:

Sir: Please make transcript of appeal in the  
above-entitled case, to be composed of the following  
papers, to wit:

1. Petition for writ.
2. Order to show cause.
3. Demurrer.
4. Minute order introducing immigration record  
at the hearing on demurrer.
5. Judgment and order sustaining demurrer and  
denying petition.
6. Notice of appeal.

7. Petition for appeal.
8. Assignment of errors.
9. Order allowing appeal.
10. Citation on appeal.
11. Order respecting immigration record.
12. Clerk's certificate.

GEO. A. MCGOWAN,  
Attorney for Petitioner.

[Endorsed]: Filed Jul. 11, 1925. [1\*]

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In the Southern Division of the United States District Court in and for the Northern District of California, Second Division.

No. 18,509.

In the Matter of JEU JO WAN on Habeas Corpus.  
(No. 23700/2-24 SS. "Pres. Wilson," Sept. 18th, 1924.)

PETITION FOR WRIT OF HABEAS CORPUS.

To the Honorable United States District Judge, now Presiding in the United States District Court, in and for the Northern District of California, Second Division:

It is respectfully shown by the petition of the undersigned that Jeu Jo Wan, hereinafter in this petition referred to as the "detained," is unlawfully imprisoned, detained, confined and restrained of his liberty by John D. Nagle, Commissioner of Immigration for the Port of San Francisco, at the Im-

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\*Page-number appearing at foot of page of original certified Transcript of Record.



migration *State* at Angel Island, County of Marin, State and Northern District of California, Southern Division thereof, and that the said imprisonment, detention, confinement and restraint are illegal, and that the illegality thereof consists in this, to wit:

That it is claimed by the said commissioner that the said detained is an alien of the Chinese race who is a citizen and subject of the Republic of China, and that the said detained arrived at the Port of San Francisco on the SS. "President Wilson" on September 18th, 1924, and thereafter made application to enter the United States upon the following grounds, to wit:

The said detained sought admission into the United States under and in pursuance of the permission contained in a Treaty of Commerce and Navigation between the United States and China, that is the Treaty between said countries of November 17th, 1880 (22 Stat. L. 826), and particularly [2] Article 2 thereof, which is as follows:

"Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation."

The said detained is a teacher as was and is described and contemplated in said Article 2 of the

said Treaty, and presented a certificate drawn in full and complete compliance with the terms and provisions of Section 6 of the Act of Congress of the United States May 6th, 1882, as amended and added to by the act of July 5th, 1884 (22 Stat. L. 58; 23 Stat. L. 115), which said acts were passed to execute and carry out the provisions of said treaty hereinbefore mentioned, and particularly of said Article 2 thereof, and that the detained presented a certificate issued by the appropriate governmental authority of the country in which he last resided, evidencing and setting forth and containing each of the said facts, things and matters, required to be set forth therein according to the provisions of said Section 6, and that the said certificate was thereafter presented to and was visaed by the appropriate United States Consular Representative of the port from which the said detained embarked upon his said trip to the United States; and your petitioner further alleges that the said certificate so presented by the said detained to commissioner of Immigration for the Port and District of San Francisco, and so presented before the Board of Special Inquiry hereinafter mentioned, was obtained by the permission of the said issuing governmental authority and identified the said detained as a Chinese person other than a laborer, who [3] was entitled by said treaty, or this said act, to come to the United States, and who was about to depart for and come to the United States and obtained such permission which so entitled him to admission into the United States, by the Chinese Government, or by such other foreign

government of which such Chinese shall be a subject or resident, and said certificate was further in the English Language and showed such permission with the name of the permitted person in his proper signature; it further stated the individual family and tribal name in full, together with the title or official rank, if any, the age, height, and all physical peculiarities, the former and present occupation or profession, when and where and how long pursued, and the place of residence of the person to whom the certificate was issued, and that such detained was such a person who was entitled by the said treaty and the said acts to come into the United States, and the said certificate, as so issued, bore the visae of the diplomatic representative of the United States in the foreign country from which such certificate was issued, or of the consular representative of the United States at the port or place from which the person named in the certificate was about to depart, and that said diplomatic or consular endorsement was not placed upon said certificate until after it had been found upon examination that the said statements contained in said respective certificate was true. Your petitioner further alleges that the said certificate *prima facie* established the right of the said detained to enter the United States.

Your petitioner further alleges that after the arrival of the said detained at the Port of San Francisco and presenting his application to enter the United States he was accorded a hearing before a Board of Special Inquiry and was denied admission

into the United States by said [4] Board, notwithstanding the said Board found and conceded, and admitted that none of the facts contained in said certificate had been converted or found to be untrue by the members of said Board of Special Inquiry, but that, your petitioner alleges, the said Board of Special Inquiry denied the said detained admission into the United States, holding that he was inadmissible under Section 13 of the Immigration Act of 1924, for the reason that the said detained is an alien ineligible to citizenship and that he was not exempted by any of the provisions enumerated therein, and was further inadmissible under the terms of Section 4, Subdivision (d) of the last-mentioned act, and they thereupon denied the application of the said detained to enter the United States; that thereafter an appeal was taken from said excluding decision to the Secretary of Labor and that the said appeal was denied upon the grounds and for the reasons as set forth and held by the said Board of Special Inquiry.

That it is the intention of the said Commissioner to deport the said detained from and out of the United States upon the SS. "President Wilson" due to sail from the Port of San Francisco at 12:00 M. November 29th, 1924, and your petitioner alleges that unless this court intervenes in response to the prayer of your petitioner hereinafter set forth said deportation will be then and there effected.

The said Commissioner claims that in all of the proceedings hereinbefore mentioned, recited and re-

ferred to, the said detained has had a full and fair hearing attesting the facts upon which his right of admission into the United States is based, and that the action of said Board of Special Inquiry, the said Commissioner, and the said Secretary, was done in the full and proper exercise and the authority committed to them by said statutes, with the qualification that said hearing and action only had reference to the rights [5] of the said detained under the said Immigration Act of 1924, and that the case of the said detailed has not been either heard or determined by the said Commissioner, the Board of Special Inquiry, or the Secretary of Labor, with respect to his right of admission under the Chinese Exclusion Laws, the said Commissioner and the said Secretary claiming that the said denial of the right of admission of the said detained under the Immigration Act of 1924, renders unnecessary the consideration of the case of the said detained under the said Chinese Exclusion Laws.

But, on the contrary, your petitioner alleges that the said Commissioner, the members of the said Board of Special Inquiry, and the said Secretary of Labor, have misconstrued the statutes hereinabove referred to and have made a mistaken and wrongful interpretation thereof to the detriment of the said detained, resulting in the withholding from the said detained his right of admission into the United States, and in his being deprived of his liberty without the hearing to which he is entitled under the law, and hence he is restrained of his liberty without due process of law; that they have violated

and disregarded the treaty rights of the said detained as a citizen of the Republic of China, and made a mistaken and wrongful interpretation thereof; and have denied and are withholding from the said detained the rights and privileges guaranteed to him under the treaties between the Government of the United States and the Government of China, of which country he is a citizen; that they have violated and disregarded the constitutional guarantees and rights of the said detained in this that the treaty between China, the country of which he is a citizen, and the United States, shall be the supreme law of the land, and they are withholding the rights and privileges guaranteed to the said detained under the Constitution of the United States as contained in said treaties, and all as hereinafter more particularly set forth: [6]

### I.

Your petitioner alleges, upon his information and belief, that the said administrative authorities, that is to say, the Commissioner of Immigration, the Board of Special Inquiry and the Secretary of Labor, have made a mistaken construction of the statute and have misconstrued the same in this that while said Section 13 of the Immigration Act of 1924 provides in subdivision (c) that

“No alien ineligible to citizenship shall be admitted to the United States unless such alien  
\* \* \* (3) is an immigrant as defined in Section 3,”

and your petitioner alleges that Section 3 of the said Act provides:

“When used in this act the term immigrant means any alien departing from any place outside of the United States destined for the United States, except \* \* \* (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation,”

and your petitioner alleges that the said administrative officers hereinbefore named have either misconstrued the statute or not given the detained the benefit thereof, as contained in the third exception of paragraph (c) of Section 13, in this that he was not an immigrant as defined in said Section 3, and your petitioner alleges that there is a treaty of commerce and navigation between the Governments of the United States and China, and under and by virtue of the terms and provisions of Article 2 of said treaty of 1880, and Article 7 of the treaty of 1868, the concluding portion of which is as follows:

“ \* \* \* The citizens of the United States may freely establish and maintain schools within the Empire of China [7] at those places where foreigners are by treaty permitted to reside; and reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States,”

That the said detained is therein specifically mentioned as a teacher and as such class is coming to

the United States under and by virtue of the terms and provisions of a present existing treaty of commerce and navigation, and that his sole purpose in coming to the United States is to carry on trade, as is specifically mentioned and set forth in said Section 6 certificate, and that in holding to the contrary the said administrative officers have misconstrued the said statutes and made a wrongful interpretation thereof, and they have denied to the said detained the rights appertaining unto him as a Chinese national and as guaranteed to him in the said treaties between the United States and China; and the said administrative officers have further violated the constitutional provisions and guarantees contained in Section 2 of Article 6 thereof in denying to said treaty stipulations their place as part and parcel of the supreme law of the land; and your petitioner alleges, upon his information and belief, that for said wrongful and erroneous construction of the statute the said denial of the said detained of his said treaty rights and said withholding of the constitutional provision hereinbefore referred to the said detained is deprived of his liberty without due process of law, is denied the equal protection of the law, and is wrongfully and unlawfully held in custody by the said Commissioner.

That your petitioner has in his possession a copy of the Immigration Board of Special Inquiry hearing in the case of the said detained, and the same is separately filed herewith as Exhibit "A," and is now referred to with the same force and effect as



if set forth in full herein. Your petition further alleges that the written decision of the [8] Secretary of Labor dismissing the appeal and sustaining the denial of the said detained herein to enter the United States is not in the possession of your petitioner, and no copy thereof could have been obtained in time to file with this petition in time to prevent the deportation of the said detained, and for said reason your petitioner stipulates that upon the hearing of this matter that the said decision of the Secretary of Labor in the case of the said detained may be then and there introduced in evidence as part and parcel of this petition.

That the said detained, being in detention at the Angel Island Immigration Station, as hereinbefore stated, is unable to verify this petition upon his own behalf, but your petitioner, as his next friend, and at his special instance and request, verifies this petition and presents the same in the name of the said detained and as his act and for him as his deed, and for his benefit.

WHEREFORE, your petitioner prays that a writ of habeas corpus issue herein as prayed for, directed to the said Commissioner commanding and directing his to hold the body of the said detained within the jurisdiction of this court, and to present the body of the said detained before this Court at a time and place to be specified in said order, together with the time and cause of his detention so that the same may be inquired into to the end that the said detained may be restored to his liberty and go hence without day.

Dated at San Francisco, California, November 26th, 1924.

JEW HEE.

GEO. A. McGOWAN,  
Attorney for Petitioner,  
550 Montgomery St., San Francisco,  
Calif. [9]

United States of America,  
State and Northern District of California,  
City and County of San Francisco,—ss.

———, being first duly sworn according to law,  
doth depose and say:

That your affiant is the petitioner named in the foregoing petition; that the same has been read and explained to him and he knows the contents thereof; that the same is true of his own knowledge except as to those matters which are therein stated on his information and belief, and as to those matters he believes it to be true.

JEW HEE.

Subscribed and sworn to before me this 26th day of November 1924.

[Seal]

R. H. JONES,  
Notary Public.

[Endorsed]: Filed Nov. 26, 1924. [10]

[Title of Court and Cause.]

ORDER TO SHOW CAUSE.

Good cause appearing therefor, and upon reading the verified petition on file herein:

IT IS HEREBY ORDERED that John D. Nagle, Commissioner of Immigration for the Port of San Francisco, appear before this Court on the 1 day of December, 1924, at the hour of 10 o'clock A. M. of said day, to show cause if any he has, why a writ of habeas corpus should not be issued herein, as prayed for, and that a copy of this order be served upon the said Commissioner, and a copy of the petition and said order be served upon the United States Attorney for this District, his representative herein.

AND IT IS FURTHER ORDERED that the said John D. Nagle, Commissioner of Immigration, as aforesaid, or whoever, acting under the orders of the said Commissioner, or the Secretary of Labor, shall have the custody of the said Jeu Jo Wan, or the master of any steamer upon which they may have been placed for deportation by the said Commissioner, are hereby ordered and directed to retain the said Jeu Jo Wan within the jurisdiction of this Court until its further order herein.

Dated at San Francisco, California, November 26, 1924.

BOURQUIN,  
United States District Judge.

[Endorsed]: Filed Nov. 26, 1924. [11]

[Title of Court and Cause.]

DEMURRER TO PETITION FOR WRIT OF  
HABEAS CORPUS.

Comes now the respondent, John D. Nagle, Commissioner of Immigration, at the Port of San Francisco, in the Southern Division of California, and demurs to the petition for a writ of habeas corpus in the above-entitled cause and for grounds of demurrer alleges:

I.

That the said petitioner does not state facts sufficient to entitle petitioner to the issuance of a writ of habeas corpus, or for any relief thereon.

II.

That said petition is insufficient in that the statements therein relative to the record of the testimony taken on the hearing of the said applicant are conclusions of law and not statements of the ultimate facts.

WHEREFORE, respondent prays that the writ of habeas corpus be denied.

STERLING CARR,

United States Attorney.

ALMA MYERS,

Asst. United States Attorney,

Attorneys for Respondent.

[Endorsed]: Filed Feb. 28, 1925. [12]

At a stated term of the Southern Division of the United States District Court for the Northern District of California, held at the courtroom thereof, in the City and County of San Francisco, on Saturday, the 28th day of February, in the year of our Lord one thousand nine hundred and twenty-five. Present: The Honorable FRANK H. KERRIGAN, Judge.

[Title of Cause.]

MINUTES OF COURT—FEBRUARY 28, 1925—  
ORDER SUBMITTING DEMURRER.

This matter came on regularly this day for hearing on order to show cause as to the issuance of a writ of habeas corpus herein. Geo. A. McGowan, Esq., was present as attorney for and on behalf of petitioner and detained. T. J. Riordan, Esq., Asst. U. S. Atty., was present for and on behalf of respondent, and filed demurrer to petition, and all parties consenting thereto, it is ordered that the Immigration Records be filed as Respondent's Exhibits "A" and "B," and that the same be considered as part of original petition. After argument by the respective attorneys, the Court ordered that said matter be and the same is hereby submitted. [13]

At a stated term of the Southern Division of the United States District Court for the Northern District of California, held at the courtroom thereof, in the City and County of San Francisco, on Friday, the 19th day of June, in the year of our Lord one thousand nine hundred and twenty-five. Present: The Honorable FRANK H. KERRIGAN, Judge.

[Title of Cause.]

MINUTES OF COURT—JUNE 19, 1925—ORDER  
DENYING PETITION FOR WRIT, etc.

The application for a writ of habeas corpus and the demurrer to the petition, heretofore heard and submitted, being now fully considered, it is ordered that said demurrer be sustained, the rule to show cause discharged, and the petition for a writ of habeas corpus herein be and same is hereby denied.

[14]

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[Title of Court and Cause.]

NOTICE OF APPEAL.

To the Clerk of the Above-entitled Court, and to the Hon. STERLING CARR, United States Attorney for the Northern District of California:

You, and each of you, will please take notice that Jeu Jo Wan, the petitioner and the detained above named, does hereby appeal to the Circuit Court of Appeals of the United States for the Ninth Circuit thereof, from the order and judgment made and

entered herein on the 19th day of June, 1925, sustaining the demurrer to and in denying the petition for a writ of habeas corpus filed herein.

Dated at San Francisco, California, June 22d, 1925.

GEO. A. MCGOWAN,  
Attorney for Petitioner and Appellant Herein.

[15]

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[Title of Court and Cause.]

PETITION FOR APPEAL.

Now comes Jeu Jo Wan, the petitioner and the appellant herein, and says:

That on the 19th day of June, 1925, the above-entitled court made and entered its order denying the petition for a writ of habeas corpus, as prayed for, on filed herein, in which said order in the above-entitled cause certain errors were made to the prejudice of the appellant herein, all of which will more fully appear from the assignment of errors filed herewith.

WHEREFORE, this appellant prays that an appeal may be granted in his behalf to the Circuit Court of Appeals of the United States for the Ninth Circuit thereof, for the correction of the errors so complained of, and further, that a transcript of the record, proceedings and papers in the above-entitled cause, as shown by the praecipe, duly authenticated, may be sent and transmitted to the said United States Circuit Court of Appeals for the Ninth Circuit thereof; and further, that the said

At a stated term of the Southern Division of the United States District Court for the Northern District of California, held at the courtroom thereof, in the City and County of San Francisco, on Friday, the 19th day of June, in the year of our Lord one thousand nine hundred and twenty-five. Present: The Honorable FRANK H. KERRIGAN, Judge.

[Title of Cause.]

MINUTES OF COURT—JUNE 19, 1925—ORDER  
DENYING PETITION FOR WRIT, etc.

The application for a writ of habeas corpus and the demurrer to the petition, heretofore heard and submitted, being now fully considered, it is ordered that said demurrer be sustained, the rule to show cause discharged, and the petition for a writ of habeas corpus herein be and same is hereby denied.

[14]

---

[Title of Court and Cause.]

NOTICE OF APPEAL.

To the Clerk of the Above-entitled Court, and to the Hon. STERLING CARR, United States Attorney for the Northern District of California:

You, and each of you, will please take notice that Jeu Jo Wan, the petitioner and the detained above named, does hereby appeal to the Circuit Court of Appeals of the United States for the Ninth Circuit thereof, from the order and judgment made and



entered herein on the 19th day of June, 1925, sustaining the demurrer to and in denying the petition for a writ of habeas corpus filed herein.

Dated at San Francisco, California, June 22d, 1925.

GEO. A. MCGOWAN,  
Attorney for Petitioner and Appellant Herein.  
[15]

---

[Title of Court and Cause.]

### PETITION FOR APPEAL.

Now comes Jeu Jo Wan, the petitioner and the appellant herein, and says:

That on the 19th day of June, 1925, the above-entitled court made and entered its order denying the petition for a writ of habeas corpus, as prayed for, on filed herein, in which said order in the above-entitled cause certain errors were made to the prejudice of the appellant herein, all of which will more fully appear from the assignment of errors filed herewith.

WHEREFORE, this appellant prays that an appeal may be granted in his behalf to the Circuit Court of Appeals of the United States for the Ninth Circuit thereof, for the correction of the errors so complained of, and further, that a transcript of the record, proceedings and papers in the above-entitled cause, as shown by the praecipe, duly authenticated, may be sent and transmitted to the said United States Circuit Court of Appeals for the Ninth Circuit thereof; and further, that the said

detained may remain at large upon the bond heretofore given by him in this matter during the pendency of the appeal herein, so that he may be produced in execution of whatever judgment may be finally entered herein.

Dated at San Francisco, California, June 22d, 1925.

GEO. A. MCGOWAN,  
Attorney for Petitioner and Appellant Herein.  
[16]

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[Title of Court and Cause.]

#### ASSIGNMENT OF ERRORS.

Comes now Jeu Jo Wan, by his attorney, Geo. A. McGowan, Esq., in connection with his petition for an appeal herein, assigns the following errors which he avers occurred upon the trial or hearing of the above-entitled cause, and upon which he will rely, upon appeal to the Circuit Court of Appeals for the Ninth Circuit, to wit:

First: That the Court erred in denying the petition for a writ of habeas corpus herein.

Second: That the Court erred in holding that it had no jurisdiction to issue a writ of habeas corpus as prayed for in the petition herein.

Third: That the Court erred in sustaining the demurrer and in denying the petition of habeas corpus herein and remanding the petitioner to the custody of the immigration authorities for deportation.

Fourth: That the Court erred in holding that the allegations contained in the petition herein for a

writ of habeas corpus and the facts presented upon the issue made and joined herein are insufficient in law to justify the discharge of the petitioner from custody as prayed for in said petition.

Fifth: That the judgment made and entered herein is contrary to law.

Sixth: That the judgment made and entered herein is [17] not supported by the evidence.

Seventh: That the judgment made and entered herein is contrary to the evidence.

Eighth: That the Court erred in holding that a school teacher was not a trader as that term is used in the Immigration Act of 1924.

Ninth: That the Court erred in holding that the rights reserved to Chinese Teachers under Article VII of the Treaty with China of 1868, and Article II of the Treaty with China of 1880, are encroached upon and violated by the Immigration Act of 1924.

WHEREFORE, the appellant prays that the judgment and order of the Southern Division of the United States District Court for the Northern District of the State of California, Second Division, made and entered herein in the office of the Clerk of the said Court on the 19th day of June, 1925, discharging the order to show cause, sustaining the demurrer and in denying the petition for a writ of habeas corpus, be reversed, and that this cause be remitted to the said lower court with instructions to issue the writ of habeas corpus, as prayed for in said petition.

Dated at San Francisco, California, June 22d, 1925.

GEO. A. MCGOWAN,  
Attorney for Petitioner and Appellant Herein.

Service of the within notice of appeal, petition for appeal and assignment of errors, and receipt of a copy thereof, is hereby admitted this 23d day of June, 1925.

STERLING CARR,  
United States Attorney.

[Endorsed]: Filed Jun. 23, 1925. [18]

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[Title of Court and Cause.]

ORDER ALLOWING PETITION FOR APPEAL  
(and Continuing on Bond).

On this 23d day of June, 1925, comes Jeu Jo Wan, the detained herein, by his attorney, Geo. A. McGowan, Esq., and having previously filed herein, did present to this Court, his petition praying for the allowance of an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, intended to be urged and prosecuted by her, and praying also that a transcript of the record and proceedings and papers upon which the judgment herein was rendered, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Circuit, and further praying that the detained may remain at large upon the bond previously given herein upon his behalf, and that

such other and further proceedings may be had in the premises as may seem proper.

ON CONSIDERATION WHEREOF, the Court hereby allows the appeal herein prayed for, and orders execution and remand stayed pending the hearing of the said case in the United States Circuit Court of Appeals for the Ninth Circuit, and that the said detained may remain at large upon the bond previously given upon his behalf during the further proceedings to be had herein and that he be required to surrender himself in execution of whatever judgment is finally entered herein at the termination of said appeal.

Dated at San Francisco, California, June 23d, 1925. [19]

FRANK H. KERRIGAN,  
United States District Judge.

Service of the within order allowing petition for appeal (and continuing on bond) and receipt of a copy thereof, is hereby admitted this 23d day of June, 1925.

STERLING CARR,  
United States Attorney.

[Endorsed]: Filed Jun. 23, 1925. [20]

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[Title of Court and Cause.]

ORDER TRANSMITTING ORIGINAL EXHIBITS.

It appearing to the Court that the original immigration records appertaining to the application of

Jeu Jo Wan, the detained herein, to enter the United States were introduced in evidence before and considered by the lower court in reaching its determination herein, and it appearing that said records are a necessary and proper exhibit for the determination of said case upon appeal to the Circuit Court of Appeals:

It is now, therefore, ordered, upon motion of Geo. A. McGowan, Esq., attorney for the detained herein, that the said immigration records may be withdrawn from the office of the Clerk of this Court and filed by the Clerk of this Court in the office of the Clerk of the United States Circuit Court of Appeals in and for the Ninth Judicial District, said withdrawal to be made at the time the record on appeal herein is certified to by the Clerk of this Court.

Dated at San Francisco, California, June 23d, 1925.

FRANK H. KERRIGAN,  
United States District Judge.

Service of the within order transmitting original exhibits, and receipt of a copy thereof, is hereby admitted this 23d day of June, 1925.

STERLING CARR,  
United States Attorney.

[Endorsed]: Filed Jun. 23, 1925. [21]

CERTIFICATE OF CLERK U. S. DISTRICT  
COURT TO TRANSCRIPT ON APPEAL.

I, Walter B. Maling, Clerk of the United States District Court, for the Northern District of California, do hereby certify that the foregoing 21 pages, numbered from 1 to 21, inclusive, contain a full, true and correct transcript of the records and proceedings, in the Matter of Jeu Jo Wan, on Habeas Corpus, No. 18509, as the same now remains on file and of record in this office; said transcript having been prepared pursuant to the praecipe for transcript on appeal.

I further certify that the cost for preparing and certifying the foregoing transcript on appeal is the sum of eight dollars and sixty-five cents (\$8.65), and that the same has been paid to me by the attorney for the appellant herein.

Annexed hereto is the original citation on appeal.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, this 27th day of August, A. D. 1925.

[Seal]

WALTER B. MALING,  
Clerk.

By. C. M. Taylor,  
Deputy Clerk. [22]

## CITATION ON APPEAL.

United States of America,—ss:

The President of the United States, To JOHN D. NAGLE, Commissioner of Immigration for the Port of San Francisco, and STERLING CARR, United States Attorney for the Northern District of California, His Attorney Herein, GREETING:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the City of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the Clerk's Office of the United States District Court for the Southern Division of the Northern District of California, Second Division, wherein *Jeu Jo Wan* is appellant and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable FRANK H. KERRIGAN, United States District Judge for the Southern Division of the Northern District of California this 23d day of June, A. D. 1925.

FRANK H. KERRIGAN,  
United States District Judge. [23]



Service of the within citation and receipt of a copy thereof is hereby admitted this 29th day of June, 1925.

STERLING CARR,  
United States Attorney,  
Attorney for Appellee.

This is to certify that a copy of the within citation on appeal was lodged with me as the Clerk of this Court upon the 23d day of March, 1925.

W. B. MALING,  
Clerk U. S. Dist. Court in and for the Nor. Dist. of  
Calif. at San Francisco.

By C. W. Calbreath,  
Deputy.

[Endorsed]: Filed Jun. 23, 1925.

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[Endorsed]: No. 4677. United States Circuit Court of Appeals for the Ninth Circuit. Jeu Jo Wan, Appellant, vs. John D. Nagle, Commissioner of Immigration for the Port of San Francisco, Appellee. Transcript of Record. Upon Appeal from the Southern Division of the United States District Court for the Northern District of California, Second Division.

Filed August 27, 1925.

F. D. MONCKTON,  
Clerk of the United States Circuit Court of Appeals  
for the Ninth Circuit.

By Paul P. O'Brien,  
Deputy Clerk.

